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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2011-869

13 **SHANA MARIE BEACH,**  
14 **a.k.a. SHANA MARIE BODKINS,**  
15 **a.k.a. SHANA MARIE BRANDELLI**  
44201 Westridge Drive  
Lancaster, CA 93536

**A C C U S A T I O N**

16 Registered Nurse License No. 653067

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

- 21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
23 Consumer Affairs.
- 24 2. On or about February 22, 2005, the Board of Registered Nursing issued Registered  
25 Nurse License Number 653067 to Shana Marie Beach, a.k.a. Shana Marie Bodkins, a.k.a. Shana  
26 Marie Brandelli (Respondent). The Registered Nurse License was in full force and effect at all  
27 times relevant to the charges brought herein and will expire on May 31, 2012, unless renewed.

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1 administer to another, any controlled substance as defined in Division 10 (commencing with  
2 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as  
3 defined in Section 4022.

4 "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
5 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
6 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
7 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
8 ability to conduct with safety to the public the practice authorized by his or her license.

9 ...

10 8. Section 4060 of the Code provides in pertinent part:

11 "No person shall possess any controlled substance, except that furnished to a person  
12 upon the prescription of a physician..."

13 9. Health and Safety Code Section 11170 provides:

14 "No person shall prescribe, administer, or furnish a controlled substance for himself."

15 10. Health and Safety Code Section 11171 provides:

16 "No person shall prescribe, administer, or furnish a controlled substance except under the  
17 conditions and in the manner provided by this division."

18 11. Health and Safety Code Section 11173 provides:

19 "(a) No person shall obtain or attempt to obtain controlled substances, or procure or  
20 attempt to procure the administration of or prescription for controlled substances, (1) by fraud,  
21 deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

22 (b) No person shall make a false statement in any prescription, order, report, or record,  
23 required by this division.

24 (c) No person shall, for the purpose of obtaining controlled substances, falsely assume  
25 the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist,  
26 veterinarian, registered nurse, physician's assistant, or other authorized person.

27 (d) No person shall affix any false or forged label to a package or receptacle containing  
28 controlled substances."

12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

#### DEFINITIONS

13. **Vicodin** – is a Schedule III controlled substance pursuant to Health and Safety Code Section 11056(e)(5) and is a dangerous drug within the meaning of Business and Professions Code section 4211, subdivision (a). Vicodin is a brand name for the narcotic hydrocodone bitartrate or dihydrocodeinone combined with the non-narcotic acetaminophen. It is used for the relief of severe pain.

14. **Percocet** - is the brand name for Oxycodone and Acetaminophen (the generic version is referred to as "Oxycodone-APAP"). It is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(N) and is categorized as a dangerous drug pursuant to section 4022.

15. **Ambien** - is the generic name for Zolpidem Tartate, a non-barbiturate hypnotic. It is a Schedule IV controlled substance as designated by Health and Safety Code section 11057, subdivision (d) and is categorized as a dangerous drug pursuant to section 4022.

#### FIRST CAUSE FOR DISCIPLINE

##### **(Obtaining Controlled Substance by Fraud, Deceit, Misrepresentation or Subterfuge)**

16. Respondent is subject to disciplinary action under Business and Professions Code section 2761, subdivision (a), on grounds of unprofessional conduct, as defined in Business and Professions Code section 2762, subdivisions (a), for violating Health and Safety Code section 11173, subdivisions (a) and/or (b) and/or (c) in that between approximately December 9, 2005 and January 2, 2006 Respondent obtained and possessed a quantity of **Percocet/ Oxycodone-APAP**, a controlled substance, by use of fraud, deceit, misrepresentation and/or subterfuge and/or by use of forged and falsified prescriptions by reason of the following facts :

a. On or about November 24, 2005, Respondent visited physician SL at the Lancaster Community Hospital Emergency Room, with complaints of back pain, and requested a prescription for the drug Percocet/ Oxycodone-APAP ("Percocet"). At that time, SL and Respondent were both employed at Lancaster Hospital.

b. SL issued a prescription for 5/325 Percocet (30 tablets of Percocet).

c. Approximately a week later, Respondent returned to SL, showed him the previously issued prescription – stamped "rejected" - and confessed that she had altered the prescription by changing the "5" to a "10"- effectively doubling the quantity of medication prescribed. The pharmacy had refused to fill the altered prescription. SL scolded Respondent about altering the prescription, but was persuaded to issue a "corrected" prescription for 10/325 Percocet (60 tablets).

d. In or about January 2006, SL was contacted by Sav-On Drug Store pharmacy, and was advised that seven (7) prescriptions issued in his name had been filled for Respondent between December 9, 2005 and January 2, 2006 as follows:

PRESCRIPTIONS FILLED 11-01-05 TO 01-07-06						
DATE FILLED	DRUG	STRENGTH	QTY	DAY SUPPLY	MD	PHARMACY
01/02/2006	Hydrocodone - APAP	10-325mg	100	13	SL	Sav On J & 20th
12/25/2005	Oxycodone - APAP	10-325mg	160	20	SL	Sav On J & 20th
12/19/2005	Oxycodone - APAP	10-325mg	100	12	SL	Sav On S & 47th
12/15/2005	Oxycodone - APAP	10-325mg	60	10	SL	Sav On Tierra Subida
12/14/2005	Oxycodone - APAP	10-325mg	60	10	SL	Sav On J & Challenger
12/12/2005	Oxycodone - APAP	10-325mg	100	12	SL	Sav On K & 20th
12/09/2005	Hydrocodone - APAP	10-325mg	100	12	SL	Sav On J & 20th

e. In fact, Dr. SL authorized only 2 prescriptions for Percocet/Oxycodone –APAP. Any remaining prescriptions purportedly issued by him and filled by Respondent were unauthorized and forged/falsified.

f. Admissions by Respondent

In a statement on November 12, 2010, Respondent admitted that she had taken a blank prescription pad from a nurse's station at Lancaster Community Hospital; that she had

1 forged SL's signature, and admitted that she had forged a prescription for medication on at least  
2 one instance in December 2005.

3 SECOND CAUSE FOR DISCIPLINE

4 **(Illegal Possession of Controlled Substance)**

5 17. Respondent is subject to disciplinary action under section 2761, subdivision (a) as  
6 defined by section 2762, subdivision (a) and (d), section 4060, and Health and Safety Code  
7 section 11170 and 11171 on grounds of unprofessional conduct, in that Respondent illegally  
8 obtained and possessed a quantity of **Percocet/ Oxycodone-APAP**, a controlled substance,  
9 approximately between December 9, 2005 and January 2, 2006 by use of falsified prescriptions in  
10 the name of SL, a physician, as described more fully in paragraph 16 above.

11 THIRD CAUSE FOR DISCIPLINE

12 **(Obtaining Prescriptions by Fraud, Deceit, Misrepresentation or Subterfuge)**

13 18. Respondent is subject to disciplinary action under Business and Professions Code  
14 section 2761, subdivision (a), on grounds of unprofessional conduct, as defined in Business and  
15 Professions Code section 2762, subdivision (a), for violating Health and Safety Code section  
16 11173 , subdivision (a) in that between approximately November 27, 2007 and April 28, 2009,  
17 Respondent obtained multiple concurrent prescriptions for the drug **Ambien**, a controlled  
18 substances and dangerous drug by use of fraud, deceit, misrepresentation, subterfuge and/or  
19 concealment of material facts as follows:

20 a. Between approximately November 27, 2007 and April 28, 2009, Respondent  
21 systematically obtained multiple concurrent prescriptions for the drug **Ambien** from 10 different  
22 doctors.

PRESCRIPTIONS FILLED 11-27-07 THRU 4-28-09			
DATE	DRUG/QUANTITY	MD	PHARMACY
1. 11/27/07	Ambien 30 tablets	P.A. A.	Burns Pharmacy
2. 11/28/07	Ambien 30 tablets	Dr. Del R.	Vons Pharmacy
3. 11/30/07	Ambien 30 tablets	Dr. Ag.	Target Pharmacy
4. 2/19/08	Ambien 30 tablets	Dr. Ag.	Target Pharmacy
5. 2/19/08	Ambien 30 tablets	Dr. Del R.	Vons Pharmacy
6. 3/13/08	Ambien 30 tablets	Dr. Si.	Valley Pharmacy
7. 3/14/08	Ambien 60 tablets	Dr. Blo.	Walmart Pharmacy

8.	3-26-08	Ambien 60 tablets	Dr. Blo.	Walmart Pharmacy
9.	3-27-08	Ambien 120 tablets	Dr. Ag.	Target Pharmacy
10.	9-22-08	Ambien 30 tablets	Dr. Da.	Vons Pharmacy
11.	9-23-08	Ambien 30 tablets	Dr. Si.	Burns Pharmacy
12.	9-24-08	Ambien 30 tablets	Dr. Gr.	Vons Pharmacy
13.	9-25-08	Ambien 60 tablets	N. P. M.	Walmart Pharmacy
14.	4-7-09	Ambien 60 tablets	Dr. Ag.	Target Pharmacy
15.	4-8-09	Ambien 60 tablets	N. P. M.	Walmart Pharmacy
16.	4-26-09	Ambien 30 tablets	Dr. Ru.	Walmart Pharmacy
17.	4-28-09	Ambien 30 tablets	Dr. Gut.	Vons Pharmacy

b. Between approximately January 26, 2010 and May 18, 2010, Respondent obtained approximately 420 tablets during a 4-month period, as follows:

PRESCRIPTIONS FILLED 1-26-10 THRU 5-18-10			
DATE	DRUG/QUANTITY	MD	PHARMACY
1. 1/26/10	Ambien 30 tablets	Dr. Si.	Burns Pharmacy
2. 1/28/10	Ambien 30 tablets	Dr. Mil.	Vons Pharmacy
3. 1/30/10	Ambien 30 tablets	Dr. Hen.	Target Pharmacy
4. 2/24/10	Ambien 30 tablets	Dr. Si.	Target Pharmacy
5. 2/25/10	Ambien 30 tablets	Dr. Mil.	Vons Pharmacy
6. 2/26/10	Ambien 30 tablets	Dr. Hen.	Valley Pharmacy
7. 3/23/10	Ambien 30 tablets	Dr. Si.	Walmart Pharmacy
8. 3-23-10	Ambien 30 tablets	Dr. Mil.	Walmart Pharmacy
9. 4-21-10	Ambien 30 tablets	Dr. Si.	Target Pharmacy
10. 4-21-10	Ambien 30 tablets	Dr. Mil.	Vons Pharmacy
11. 5-17-10	Ambien 90 tablets	Dr. Blo.	Burns Pharmacy
12. 5-18-10	Ambien 30 tablets	Dr. Mil.	Vons Pharmacy

c. In obtaining prescriptions noted above, Respondent misrepresented her circumstances to the prescribing physicians, who were unaware Respondent was requesting and collecting multiple prescriptions for the same medication.

#### FOURTH CAUSE FOR DISCIPLINE

#### **(Dangerous Use of Controlled Substances)**

19. Respondent is subject to disciplinary action under section 2761, subdivision (a) as defined by section 2762, subdivision (b) on grounds of unprofessional conduct, in that Respondent used a controlled substance or dangerous drug to an extent or in a manner dangerous or injurious to herself or others as follows:

1                   **Acquisition of Multiple Concurrent Prescriptions for Ambien**

2                   a.     Between approximately November 27, 2007 and May 18, 2010, Respondent  
3 filled at least 17 prescriptions for the drug Ambien from 10 different doctors, as described more  
4 fully in paragraph 18 above.

5                   b.     By deliberate omissions and/or misrepresentations to a series of physicians who  
6 were unaware Respondent was collecting multiple, duplicative prescriptions for the same  
7 medication, Respondent amassed a quantity of the drug exceeding reasonably safe or responsible  
8 usage for one person.

9                   c.     Admissions by Respondent

10                   In a statement on November 12, 2010, Respondent stated that the quantity of Ambien  
11 she collected by use of multiple prescriptions referenced above was for self-use, and that she  
12 continued to purchase large quantities of the prescription drug despite financial hardship.

13                                   PRAYER

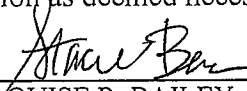
14                   WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
15 and that following the hearing, the Board of Registered Nursing issue a decision:

16                   1.     Revoking or suspending Registered Nurse License Number 653067, issued to Shana  
17 Marie Beach, a.k.a. Shana Marie Bodkins, a.k.a. Shana Marie Brandelli;

18                   2.     Ordering Shana Marie Beach to pay the Board of Registered Nursing the reasonable  
19 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
20 Code section 125.3;

21                   3.     Taking such other and further action as deemed necessary and proper.

22 DATED: 4/21/11

23                                   for   
24                                   LOUISE R. BAILEY, M.ED., RN  
25                                   Executive Officer  
                                  Board of Registered Nursing  
                                  Department of Consumer Affairs  
                                  State of California  
                                  Complainant

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